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APPLICATION NO. FILING DATE 09/712,654 11/14/2000		FILING DATE	FIRST NAMED INVENTOR Ramesh Gupta	ATTORNEY DOCKET NO.	CONFIRMATION NO. 4644	
		11/14/2000		ECB-0010		
27810	7590	08/15/2003				
		ESEARCH AND I	EXAMINER			
P.O. BOX 900 1545 ROUTE 22 EAST ANNANDALE, NJ 08801-0900				RIDLEY, BASIA ANNA		
ANNANDA	LE, NJ (0801-0900		ART UNIT PAPER NUMBER		
			•	1764		

DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action	09/712,654	GUPTA ET AL.
·	Examiner A	Art Unit
	Basia Ridley	1764
Th MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence address
THE REPLY FILED 01 August 2003 FAILS TO PLACE T Therefore, further action by the applicant is required to av final rejection under 37 CFR 1.113 may only be either: (1) condition for allowance; (2) a timely filed Notice of Appeal Examination (RCE) in compliance with 37 CFR 1.114.	oid abandonment of this applica a timely filed amendment which	ation. A proper reply to a
PERIOD FOR RE	PLY [check either a) or b)]	
a) The period for reply expiresmonths from the mailing	-	
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f).	ater than SIX MONTHS from the mailing FILED WITHIN TWO MONTHS OF TH	g date of the final rejection. HE FINAL REJECTION. See MPEP
Extensions of time may be obtained under 37 CFR 1.136(a). The fee have been filed is the date for purposes of determining the period o fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of t (2) as set forth in (b) above, if checked. Any reply received by the Offic timely filed, may reduce any earned patent term adjustment. See 37 C	f extension and the corresponding amo the shortened statutory period for reply be later than three months after the mail	unt of the fee. The appropriate extension originally set in the final Office action; or
1. A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CFR	R 1.191(d)), to avoid dismissal o	
2. The proposed amendment(s) will not be entered be	ecause:	
(a) $oxed{oxed}$ they raise new issues that would require furthe	er consideration and/or search (s	see NOTE below);
(b) they raise the issue of new matter (see Note b	elow);	·
(c) they are not deemed to place the application ir issues for appeal; and/or	n better form for appeal by mate	rially reducing or simplifying the
(d) they present additional claims without canceling	ng a corresponding number of fi	nally rejected claims.
NOTE: See Continuation Sheet.	•	
3. Applicant's reply has overcome the following rejection	ion(s):	
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	be allowable if submitted in a se	eparate, timely filed amendment
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for application in condition for allowance because: See		dered but does NOT place the
6. The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection.	ause it is not directed SOLELY t	o issues which were newly
7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims we		
The status of the claim(s) is (or will be) as follows:		
Claim(s) allowed: <u>none</u> .		. *
Claim(s) objected to: none.		
Claim(s) rejected: <u>9-12 and 14-20</u> .	·	
Claim(s) withdrawn from consideration: none.		
8. The proposed drawing correction filed on is a	a)☐ approved or b)☐ disapp	roved by the Examiner.
9. \square Note the attached Information Disclosure Statemen	it(s)(PTO-1449) Paper No(s)	·
10. Other:		



Continuation of 2. NOTE: for example, the recitation "a cage member embeded in the catalyst bed" in line 10 of proposed claim 9 and in line 8 of proposed claim 12 would require further consideration and/or search.

Continuation of 5. does NOT place the application in condition for allowance because the arguments presented therin are no persuasive.

In response to applicant's statement, that examiner's position regarding Gupta '303 was first set out in Paper 20, the examiner would like to point out that all arguments presented in Paper 20 were made in response to applicant's arguments presented in After Final Response filed on 3 July 2003 as Paper 19.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See In re McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In the instant case, Gupta clearly teaches that bypass apparatus without "moving or destructible component" (e.g. rupture disk) is an improvement over an apparatus which contains said moving or destructible component (C1/L45-60).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., specific reactor height, or lack of distributor trays) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further the examiner would like to point out that the rejected claim(s) does/do not exclude system comprising "inter-bed distributor trays" or "possibly other equipment", as the claimed transitional term "comprising" permits the inclusion of other steps, elements, or materials, including both, those disclosed but not claimed by applicant and those neither disclosed nor contemplated by applicant. See In re Baxter, 656 F.2d 679, 686, 210 USPQ 795, 802 (CCPA 1981).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Basia Ridley, whose telephone number is (703) 305-5418. The examiner can normally be reached on Monday through Thursday, from 8:30 AM to 7:00

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola, can be reached on (703) PM.

The fax phone number for Group 1700 is (703) 872-9311 (for Official papers after Final), (703) 872-9310 (for other Official papers) and 308-6824. (703) 305-6078 (for Unofficial papers). When filing a fax in Group 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone

number is (703) 308-0661.

August 13, 2003

JERRY D. JOHNSON PRIMARY EXAMINER **GROUP 1100**